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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,152	12/01/2000	Michael H. Gilbert	F-120	4441

919 7590 08/09/2007

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EXAMINER

KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
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3691

MAIL DATE	DELIVERY MODE
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08/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/728,152

Applicant(s)

GILBERT, MICHAEL H.

Examiner

Stefano Karmis

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 08 May 2007.

Status of Claims

2. Claim 1 is currently amended. Claim 19 is cancelled. Claims 1-18 are currently pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5 and 8-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Savage et al. (hereinafter Savage) U.S. Publication No. 2002/0026394 A1 (Now U.S. Patent 7,236,950).

Regarding claim 1, Savage teaches a method of generating and processing billing and payment information utilizing computing units connected to a network for a service provided cooperatively by multiple tiers, the method comprising the steps of (page 6, paragraph 0058 and

Art Unit: 3691

Figure 3: Examiner notes computing system along with software modules for performing various computing tasks):

Collecting by a first computing unit usage information by a direct feed of raw data of the service from a meter by a customer from one of a first tier of the multiple tiers or a third party (page 13, paragraph 0098);

Integrating by a second computing unit the usage information with customer profile information of the customer provided by a second tier of the multiple tiers (page 13, paragraph 0099);

Generating by a third computer unit billing information based on the usage information the customer profile information and rate information for the service (page 14, paragraph 0101); and

Transmitting by a fourth computer unit a bill based on the billing information to the customer (page 15, paragraph 0110).

Claim 2, wherein the first computer unit collects the usage information from the first tier that includes a distributor of the service that is different from a generator or a provider of the service (page 3, paragraph 0018: Examiner notes that the billing method and system is acting as a distributor of the service, which is different from the provider who actually provides the service).

Art Unit: 3691

Claim 3, wherein the second computer unit integrates the usage information with customer profile information provided by one of a generator, a distributor or a provider of the service (page 13, paragraph 0098).

Claim 4, wherein the third computer unit generates billing information using rate information from one of a generator, a distributor, or a provider of the service (column 14, paragraph 101 and page 9, paragraph 0073).

Claim 5, wherein the fourth computer unit generates and transmits the bill to the customer in the form of a paper mailing (page 15, paragraph 0110 and Figure 1, 112).

Claim 8, further comprising: processing by a fifth computer unit payment information received from the customer; and allocating by a sixth computing unit payments, based on the payment information, to pay service providers at the multiple tiers from the payment information received from the customer (page 15, paragraph 0111).

Claim 9, wherein the step of allocating payments includes allocating payments to one or more of a generator, a distributor, or a provider of the service (page 15, paragraph 0111 and Figure 28).

Claim 10, wherein the service includes utility service (page 5, paragraph 0054).

Art Unit: 3691

Claim 11, wherein the utility service includes one of power, water, gas, cable television, telephone, Internet, or satellite television services (page 5, paragraph 0054).

Claim 12, wherein the fourth computer unit transmits the billing information for electric bill presentment to the customer using a public or private electronic network (page 5, paragraph 0054, page 6, paragraph 0057 and page 15, paragraph 0110).

Claim 13, wherein the public electronic network includes the Internet (page 5, paragraph 0054, page 6, paragraph 0057 and page 15, paragraph 0110).

Claim 14, wherein the step of transmitting the bill to the customer includes providing the billing information to a third party bill payment service (page 6, paragraph 0058: Examiner notes that the retail company bill aggregator as well as the financial institution aggregator (CAP) are third party payment services between the supply chain vendors and the customer).

Claim 15, wherein the step of processing payment information includes using a third party authentication or verification service (page 6, paragraph 0058: Examiner notes that the retail company bill aggregator as well as the financial institution aggregator (CAP) are third party payment services between the supply chain vendors and the customer which include services such as validation).

Art Unit: 3691

Claim 16, further comprising the step of performing a seventh computer unit that is programmed to perform data mining using the usage information and the customer profile information (column 2, paragraph 0013, page 3, paragraph 0021 and page 6, paragraph 0061).

Claim 17, further comprising the step of performing data mining using the usage information, the customer profile information and the payment information (column 2, paragraph 0013, page 3, paragraph 0021 and page 6, paragraph 0061).

Claim 18, further comprising the step of using results of the data mining step to determine which additional services to offer to the customer).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Savage et al. (hereinafter Savage) U.S. Publication No. 2002/0026394 A1 in view of Carlin et al. (hereinafter Carlin) U.S. Patent 6,697,843 B1.

Art Unit: 3691

Regarding claims 6 and 7 Savage teaches that bills may be delivered to the customer by paper invoice (page 15, paragraph 0110). Savage fails to teach printing the bill at an optimal mailing location based on the address, transportation cost, environmental impact or mail capacity of a distributor and mailing the bill to the customer. Carlin teaches a system and method for hybrid mail with distribution processing wherein multiple mail centers produce finished mail pieces sorted based on zip code (column 3, lines 35-59). Carlin further teaches that mailing data includes billing amounts when forming the finished mail pieces (column 4, lines 37-65). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the mailing teachings of Savage to include printing the bill at an optimal location based on address information as taught by Carlin because it increases the speed and lowers the cost for delivering a paper bill to a customer.

Response to Arguments

7. Applicant's arguments filed 08 May 2007 have been fully considered but they are not persuasive.

Regarding claim 1, Applicant argues that Savage fails to disclose the amended limitation of "collecting by a first computer unit usage information by a direct feed of raw data of the service from a meter..." The Examiner respectfully disagrees. Savage discloses that the bill calculation by computer systems of the financial institution involves receiving and validating energy usage data feed and automatically calculating charges and taxes based on the energy pricing parameters (page 5, paragraph 0055). Savage further discloses that the bill aggregator accepts multiple billing feeds, including retail company, telephone and credit card charge data

Art Unit: 3691

and posts the charges to the general ledger system (page 6, paragraph 0059). Savage discloses that the statement generation includes telephone direct feeds (page 15, paragraph 0110). Savage also discloses re-reading meters for disputes in energy bills (pages 11-12, paragraph 0088). Therefore Savage anticipates collecting usage information by a direct feed of raw data of a service from a meter. For at least these reasons, Applicant's argument is not persuasive and thus claims 1-5 and 8-18 stand rejected.

Regarding claims 6-7, Applicant argues that Savage in view of Carlin fails to teach printing the bill at an optimal mailing location based on address information of the customer. The Examiner respectfully disagrees. Savage teaches that bills may be delivered to the customer by paper invoice (page 15, paragraph 0110). Savage fails to teach printing the bill at an optimal mailing location based on the address, transportation cost, environmental impact or mail capacity of a distributor and mailing the bill to the customer. Carlin teaches a system and method for hybrid mail with distribution processing wherein multiple mail centers produce finished mail pieces sorted based on zip code (column 3, lines 35-59). Carlin teaches that variable data which includes zip codes (i.e. address information) is sorted and that this geographically sorted data is transmitted to a geographically appropriate mail production facility (column 3, lines 23-33). Therefore the mail is being produced at an appropriate geographic location based on the zip code. For at least these reasons, Applicant's arguments are not persuasive and thus claims 6-7 stand rejected.

8. Applicant's amendment filed 08 May 2007 to claim 1 in order to overcome the 35 U.S.C. 112, second paragraph rejection is sufficient.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

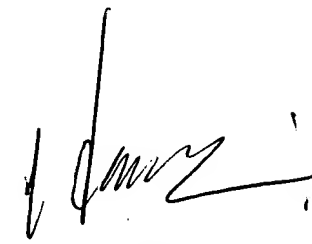
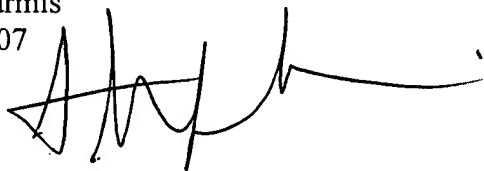
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3691

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefano Karmis
25 July 2007



HANI M. KAZIMI
PRIMARY EXAMINER